APPENDIX NO. 1

Description of Amici Organizations

The Lawyers' Committee for Civil Rights Under Law is a nonprofit organization established in 1963 at the request of the President of the United States to involve leading members of the bar throughout the country in a national effort to insure civil rights to all Americans. Through its national office in Washington, D.C., and its local Lawyers' Committees such as the Washington, D.C. Lawyers' Committee for Civil Rights Under Law, the organization has over the past 25 years enlisted the services of thousands of members of the private bar in addressing the legal problems of minorities and the poor in voting, education, employment, housing, municipal services, the administration of justice, and law enforcement.

The Mexican-American Legal Defense and Educational Fund is a national civil rights organization founded in 1967. Its principal objective is to secure, through litigation and education, the civil rights of Hispanics in the United States.

The NOW Legal Defense and Education Fund ("NOW LDEF") is a nonprofit civil rights organization that performs a broad range of legal and educational services nationally in support of women's efforts to eliminate sex-based discrimination and secure equal rights. NOW LDEF was established in 1970 by leaders of the National Organization for Women. In seeking to eliminate barriers that deny women economic opportunities, NOW LDEF has participated in numerous cases to secure full enforcement of laws prohibiting employment discrimination, including cases before this Court involving challenges to the use of affirmative action remedies to achieve equal employment opportunity.

The National Association for the Advancement of Colored People is a New York nonprofit membership cor-

poration founded in 1909. The principal objective of the NAACP is to ensure the political, educational, social and economic equality of minority group citizens and to achieve equality of rights and eliminate race prejudice among the citizens of the United States. The General Counsel's office represents the 1800 branches in litigation involving voting, housing, school desegregation and employment discrimination.

The Women's Legal Defense Fund ("WLDF") is a nonprofit, tax-exempt membership organization founded in 1971 to provide legal assistance to women who have been discriminated against on the basis of sex. The Fund devotes a major portion of its resources to combatting sex discrimination in employment, through litigation of significant employment discrimination cases, operation of an employment discrimination counselling program, public education, and advocacy before the EEOC and other federal agencies charged with enforcement of equal opportunity laws. In its pursuit of equality for both women and minorities, WLDF is committed to the use of affirmative action to achieve equal employment opportunities.

APPENDIX NO. 2

Human Rights Code of the City of Richmond

Sec. 17-1. Short title.

The chapter shall be known and may be cited as the "Human Rights Code of the City of Richmond, Virginia." (Code 1975, § 17.1-1)

Sec. 17-2. Policy.

The city council declares that each citizen deserves to be accepted on the basis of his ability, qualifications and responsibility. In pursuing that goal that council declares:

(1) That, except as hereinafter provided, it is and shall be the policy of the city, in the exercise of its police power and all other powers it may possess, to protect the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to assure all qualified persons the opportunity to obtain housing, credit, city contracts, and city employment, without regard to race, color, sex, religion, national origin, marital status, age, or handicap due to physical, mental, or developmental causes hereafter referred to as protected classes;

(2) That to carry out these goals and policies it is and shall be the policy of the city generally, except as hereinafter provided, to prohibit discrimination against the protected classes in housing, credit, city contracts and city employment.

(Code 1975, § 17.1-2)

Sec. 17-3. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Affirmative action employment program means a positive program for city employees and city contracts designed to insure that a good faith effort will be made to employ qualified applicants without regard to race, sex, color, religion, and national origin. Such program, to be developed by the city manager and approved by city council, and monitored by the human relations commission, shall include, where applicable but shall not be limited to, the following: recruitment and recruitment advertising, selection and selection criteria, upgrading, promotion, demotion or transfer, lay-off or termination, rates of pay or other forms of compensation, other terms or conditions of employment and selection for training, including apprenticeship; and shall include realistic and attainable goals, methodology and timetable for implementation of the program.

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Sec. 17-5. City employment practices.

(a) Except as provided in subsection (b) of this section, it shall be unlawful:

(1) For the city to fail or refuse to hire or to discharge any qualified person or otherwise to discriminate against any qualified person with respect to hiring, training, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment for the sole reason that he or she is a member of a protected class;

(2) For the city to publish or circulate, or to cause to be published or circulated with intent to circumvent the spirit and purpose of this section,

any notice or advertisement relating to employment or membership which indicates any preference, limitation, or discrimination based on being a member of a protected class or an intention to make any such preference, limitation, or discrimination;

(3) For the city to fail or refuse to accept, register, classify properly or refer for employment or otherwise to discriminate against any qualified person because of being a member of a protected class;

For the city to discriminate against any qualified person because he has opposed any practices forbidden by this section or because he has made a complaint or testified ~~or~~ assisted in any manner in any investigation or proceeding under this chapter relating to the provisions of this section.

(b) Nothing in subsection (a) of this section shall apply to:

(1) Any type of employment, occupation or position where the job involves a bone fide occupational qualification requiring the employment of a person or persons of a particular sex, age, or physical and mental qualification where such qualifications is reasonably necessary to the normal operation of that department, agency or program.

(2) Any employment practice based upon applicable laws or regulations established by the United States or any agency hereof, the state, or any political subdivision of the state having jurisdiction in the city;

(3) The city terminating employment or otherwise taking action concerning a person under the

terms of the city's personnel manual concerning retirement, pension, or disability plan for group or employee insurance plan;

(4) Agreements or contracts concerning contribution rates for the city or its employees for group insurance, when such contribution rate can be affected by marital status or number of dependents;

(5) Any city employment program providing services only to elderly persons or to minors; provided, however, that no discrimination be made based on race, color, sex, religion, ancestry, national origin, marital status, or handicap due to physical, mental or developmental causes.

(c) The city manager shall establish an affirmative action employment program as defined in section 17-3 for city employees. The human relations commission shall review this program and shall report to city council regarding the status of same, at least twice a year.
(Code 1975, § 17.1-5)

Sec. 17-6. City contracts.

(a) Any contract entered into by the city under which the city expends ten thousand dollars ($10,000.00) or more of its funds shall include the following provisions for equal employment opportunity:

(1) The contractor agrees not to discriminate against any qualified employee or applicant for employment for the sole reason that he is a member of a protected class, except as is otherwise provided by law. In addition, once protected class members are employed, they will be treated during employment, without regard to their membership in such protected class. As used herein, the word "treated" shall include,

without limitation, the following: recruited, whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship; promoted; upgraded; demoted; downgraded; transferred; laid off; and terminated.

(2) The contractor agrees to implement an affirmative action employment program as defined in section 17-3.

(3) The contractor agrees during the life of any contract to include in all solicitations or advertisements for employees placed by or in behalf of the contractor the words "Equal Opportunity Employer" or a symbol, approved by the commission meaning same.

(4) The contractor agrees during the life of a contract to notify each labor organization or representative of employees with which the contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this section.

(5) The contractor agrees during the life of any contract to submit to the city's human relation commission upon request, but at least annually, a copy of the regular equal employment opportunity reports (EEO-1) which the contractor is required to submit to the equal employment opportunity commission; provided, however, that the executive director may request more frequent special reports of particular contractors provided the commission has found such contractors to have previously violated any provision of this chapter. If the contractor is not required to file EEO-1 forms with the equal opportunity commission, he shall file this

information on a form to be provided by the human relations commission.

(6) The contractor agrees during the life of any contract to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this section and/or notices required to be posted by Title VII of the Civil Rights Act of 1964, as amended.

(7) The contractor agrees to include the provisions of subsections (1) through (6) above in every subcontract with persons meeting the definition of subcontractor contained in section 17-3 so that such provisions will be binding upon each subcontractor.

(8) The contractor agrees that if the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the city's human relations commission and certification of such finding to the city manager, the city manager may terminate or suspend or not renew, in whole or in part, this contract.

(b) Contract compliance requirements:

(1) All notices to prospective bidders published on behalf of the city shall include as part of the contract specifications the condition that all bidders will be required to comply with the "Richmond Human Rights Ordinance" regarding equal employment opportunity.

(2) All reports required herein shall be submitted in duplicate to the department of general services, unless otherwise directed herein.

(3) Each bidder shall file with the department of general services as part of bid documents cop-

ies for the preceding two (2) years of the regular equal employment opportunity reports (EEO-1) which the contractor has been required to submit to the equal employment opportunity commission. If the contractor is not required to file EEO-1 forms with the equal employment opportunity commission, he or she shall file this information on a form to be provided by the human relations commission.

(4) Following receipt from the department of general services of the employment information submitted by bidder, the commission on human relations shall review and determine whether or not the successful bidder has complied with this ordinance and shall submit the commission's determination and recommendation thereon to the city manager, director of the department involved, and the department of general services. At the request of any bidder, contractor or subcontractor, the human relations commission shall provide advice and assistance regarding methods for adopting and implementing an affirmative action employment program or regarding any other aspect of compliance with this section.

(c) The executive director of the commission on human relations is hereby authorized to:

(1) Review the performance of any contractor who has a contract with the city with respect to the provisions of subsection (a);

(2) Request equal employment opportunity reports from any contractor pursuant to subsection (a)(5);

(3) Upon a finding of probable cause to believe a violation of any provision of subsection (a)

has occurred, file a complaint with the commission pursuant to section 17-10.

(d) The commission on human relations is hereby authorized to:

(1) Review any complaint in accordance with procedures set forth in this chapter;

(2) Upon a finding of the commission that any contractor is in noncompliance with the provisions of subsection (a), the commission shall report such findings to the city manager, department of general services, and the contracting department.

(e) The city manager shall terminate or suspend or not renew, in whole or in part, as appropriate, the contractual relationship with the contractor; further provided, however, that the city manager may defer temporarily a suspension or termination if he finds that such suspension or termination may disrupt or curtail a vital public service, or would otherwise not be in the best interest of the city, in which case the city manager shall indicate a certain date when the relationship will be suspended or terminated, or when the practice complained about will be remedied.
(Code 1975, § 17.1-6)

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